

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRESCIA GARRO PINCHI,  
Plaintiff,  
v.  
KRISTI NOEM, et al.,  
Defendants.

Case No. 5:25-cv-05632-PCP

**ORDER GRANTING PRELIMINARY  
INJUNCTION**

On July 3, 2025, Frescia Anthuane Garro Pinchi, an asylum-seeker from Peru who has lived in California for more than two years, was detained by officers from Immigration and Customs Enforcement (ICE), a division of the Department of Homeland Security (DHS), as she was leaving immigration court in San Francisco. Ms. Garro Pinchi filed a petition for a writ of habeas corpus and a motion for a temporary restraining order seeking release from detention. On July 4, 2025, this Court issued a temporary restraining order requiring the government to release Ms. Garro Pinchi and enjoining it from re-detaining her without notice and a pre-arrest hearing before a neutral decisionmaker. That temporary restraining order remains in effect until July 28, 2025. Before the Court is Ms. Garro Pinchi's request to convert the temporary restraining order into a preliminary injunction. For the following reasons, the preliminary injunction is granted.

**BACKGROUND**

Ms. Garro Pinchi is a 27-year-old woman from Peru. On April 14, 2023, she entered the United States from Mexico. She was briefly detained by DHS officers and then released on her own recognizance "for humanitarian reasons," according to DHS records. She was not required to post a bond and was not subject to any conditions of supervision. Ms. Garro Pinchi was given a Notice to Appear (NTA) for removal proceedings in immigration court. The NTA charged her with removability pursuant to 8 U.S.C. § 1182(a)(6)(A)(i) as "an alien present in the United States

1 without being admitted or paroled, or who arrives in the United States at any time or place other  
2 than as designated by the Attorney General.”

3 In April 2024, Ms. Garro Pinchi applied for asylum, withholding of removal, and relief  
4 under the Convention Against Torture, claiming that she fears persecution if she returns to Peru.  
5 Since arriving in the United States, Ms. Garro Pinchi has attended all of her immigration court  
6 hearings, complied with all of the requirements the government has imposed on her, and never  
7 been arrested. She has no criminal history before or since her arrival. In the United States, Ms.  
8 Garro Pinchi has maintained full-time employment at a company where she was recently  
9 recognized as employee of the month. She has become an active member of her church  
10 community in San José and has made friends with students and coaches at the boxing gym where  
11 she takes classes. Ms. Garro Pinchi is the sole financial provider for her mother, seven-year-old  
12 daughter, and other relatives in Peru who rely on her completely. Ms. Garro Pinchi’s mother is  
13 diabetic and depends on Ms. Garro Pinchi to pay for her medical treatment.

14 Ms. Garro Pinchi suffers from several serious medical conditions. She recently underwent  
15 an operation for a tumor, which requires ongoing monitoring and medication to prevent  
16 recurrence. She also requires medication every eight hours to treat her generalized anxiety  
17 disorder, clinical depression, and post-traumatic stress disorder. Additionally, she suffers from  
18 asthma, gastritis, and *Helicobacter pylori*, a bacterium that infects the stomach and is a major  
19 cause of stomach cancer and peptic ulcers, which requires a strict dietary regimen prescribed by a  
20 doctor.

21 On July 3, 2025, Ms. Garro Pinchi attended a routine hearing in immigration court in San  
22 Francisco. During that hearing, the government orally moved to dismiss her pending removal  
23 proceedings. The government has stated that it did so with the intent to instead pursue expedited  
24 removal proceedings under 8 U.S.C. § 1225. The immigration judge gave Ms. Garro Pinchi an  
25 opportunity to respond to DHS’s motion and set a further hearing for July 31, 2025.

26 As Ms. Garro Pinchi exited the courtroom, she was arrested by a group of ICE agents,  
27 some of whom were wearing masks to conceal their identities. Only after she was detained and  
28 removed to a separate holding room did the agents serve her with a warrant authorizing her arrest

1 and explain the reasons for her detention.

2 Hours later, Ms. Garro Pinchi filed a petition for a writ of habeas corpus and a motion for a  
3 temporary restraining order. The following day, this Court issued a temporary restraining order  
4 requiring the government to release Ms. Garro Pinchi and enjoining it from re-detaining her  
5 without notice and a pre-detention hearing before a neutral decisionmaker. That order was to  
6 remain in effect until 5 p.m. on July 14. Ms. Garro Pinchi was released from detention on July 5.  
7 On July 14, before the temporary restraining order expired, the Court held a hearing at which it  
8 heard argument on whether a preliminary injunction should issue. At that hearing, the Court  
9 extended the temporary restraining order until 5 p.m. on July 28, 2025. *See* Fed. R. Civ. P.  
10 65(b)(2) (authorizing 14-day extension).

## 11 LEGAL STANDARD

12 “A plaintiff seeking a preliminary injunction must establish that [1] [s]he is likely to  
13 succeed on the merits, [2] that [s]he is likely to suffer irreparable harm in the absence of  
14 preliminary relief, [3] that the balance of equities tips in h[er] favor, and [4] that an injunction is in  
15 the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 21 (2008). “[I]f a plaintiff  
16 can only show that there are ‘serious questions going to the merits’—a lesser showing than  
17 likelihood of success on the merits—then a preliminary injunction may still issue if the ‘balance of  
18 hardships tips *sharply* in the plaintiff’s favor and the other two *Winter* factors are satisfied.” *All.*  
19 *for the Wild Rockies v. Peña*, 865 F.3d 1211, 1217 (9th Cir. 2017) (quoting *Shell Offshore, Inc. v.*  
20 *Greenpeace, Inc.*, 709 F.3d 1281, 1291 (9th Cir. 2013)). The final two factors “merge when the  
21 Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009).

## 22 ANALYSIS

### 23 I. Ms. Garro Pinchi is likely to succeed on the merits.

24 Ms. Garro Pinchi is likely to succeed on the merits of her claim that the Due Process  
25 Clause entitles her to a hearing before she may be re-detained.<sup>1</sup>

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27 <sup>1</sup> Ms. Garro Pinchi also brings a substantive due process challenge to her detention, arguing that  
28 because dangerousness and flight risk are the only two legitimate reasons for immigration  
detention and neither rationale supports her detention, the government has no legitimate purpose

The Due Process Clause prohibits deprivations of life, liberty, and property without due process of law. U.S. Const. amend. V. It is firmly established that these protections extend to noncitizens present in the United States. *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001) (“[T]he Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.”); *Wong Wing v. United States*, 163 U.S. 228, 238 (1896) (“It must be concluded that all persons within the territory of the United States are entitled to the protection guaranteed by [the Fifth Amendment], and that even aliens shall not ... be deprived of life, liberty, or property without due process of law.”); *Trump v. J. G. G.*, 145 S. Ct. 1003, 1006 (2025) (quoting *Reno v. Flores*, 507 U.S. 292, 306 (1993)) (cleaned up) (“It is well established that the Fifth Amendment entitles aliens to due process of law in the context of removal proceedings.”).

“Freedom from imprisonment—from government custody, detention, or other forms of physical restraint—lies at the heart of the liberty [the Due Process Clause] protects.” *Zadvydas*, 533 U.S. at 690. Generally, the Due Process Clause “requires some kind of a hearing before the State deprives a person of liberty or property.” *Zinermon v. Burch*, 494 U.S. 113, 127 (1990). Even individuals who face significant constraints on their liberty or over whose liberty the government wields significant discretion retain a protected interest in their liberty. *See Ortega v. Bonnar*, 415 F. Supp. 3d 963, 970 (N.D. Cal. 2019) (“The fact that a decision-making process involves discretion does not prevent an individual from having a protectable liberty interest.”); *Hurd v. D.C., Gov’t*, 864 F.3d 671, 683 (D.C. Cir. 2017) (holding that re-detention after pre-parole conditional supervision requires a pre-deprivation hearing); *Gagnon v. Scarpelli*, 411 U.S. 778, 782 (1973) (same, in probation context); *Morrissey v. Brewer*, 408 U.S. 471, 482 (1972) (same, in parole context). Although in some circumstances the initial decision to detain or release an individual may be within the government’s discretion, the government’s decision to release an

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for detaining her. Because granting a preliminary injunction enjoining the government from detaining Ms. Garro Pinchi without a pre-detention hearing obviates the threat of any imminent deprivation of her substantive due process rights, the Court need not address her substantive due process claim at this preliminary stage of the proceedings.

individual from custody creates “an implicit promise,” upon which that individual may rely, that their liberty “will be revoked only if [they] fail[] to live up to the ... conditions [of release].” *Morrissey*, 408 U.S. at 482. “[T]he liberty [of a person released from government custody] is valuable and must be seen as within the protection of the [Due Process Clause].” *Id.*

Thus, even when ICE has the initial discretion to detain or release a noncitizen pending removal proceedings, after that individual is released from custody she has a protected liberty interest in remaining out of custody. *See Romero v. Kaiser*, No. 22-cv-02508, 2022 WL 1443250, at \*2 (N.D. Cal. May 6, 2022) (“[T]his Court joins other courts of this district facing facts similar to the present case and finds Petitioner raised serious questions going to the merits of his claim that due process requires a hearing before an IJ prior to re-detention.”); *Jorge M. F. v. Wilkinson*, No. 21-cv-01434, 2021 WL 783561, at \*2 (N.D. Cal. Mar. 1, 2021); *Ortiz Vargas v. Jennings*, No. 20-cv-5785, 2020 WL 5074312, at \*3 (N.D. Cal. Aug. 23, 2020); *Ortega*, 415 F. Supp. 3d at 969 (“Just as people on preparole, parole, and probation status have a liberty interest, so too does [a noncitizen released from immigration detention] have a liberty interest in remaining out of custody on bond.”).

Applying these principles, it is clear that Ms. Garro Pinchi has a protected liberty interest in remaining out of custody. During the more than two years since she entered the United States and was initially detained and released by ICE, Ms. Garro Pinchi has found a job and provided for her family. She has built community at work, at church, and at her boxing gym. She has undertaken treatment for multiple serious health conditions. These extensive relations of support and interdependence underscore the high stakes of her liberty.

To determine what procedures are constitutionally sufficient to protect a liberty interest, the Court applies the three-part test established in *Mathews v. Eldridge*, 424 U.S. 319 (1976). *See Rodriguez Diaz v. Garland*, 53 F.4th 1189, 1206–07 (9th Cir. 2022).<sup>2</sup> The *Mathews* test balances

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<sup>2</sup> In *Rodriguez Diaz*, the Ninth Circuit applied the *Mathews* test to a procedural due process challenge to detention under section 1226(a), explaining that “*Mathews* remains a flexible test that can and must account for the heightened governmental interest in the immigration detention context.” 53 F.4th at 1207. Although the Ninth Circuit “assumed without deciding” that *Mathews* applied, it noted that other circuits have applied *Mathews* in considering due process challenges to immigration detention, *see, e.g., Miranda v. Garland*, 34 F.4th 338 (4th Cir. 2022); *Hernandez-*

three factors:

First, the private interest that will be affected by the official action; second, the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional or substitute procedural safeguards; and finally, the Government's interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirement would entail.

424 U.S. at 335. Each of the three *Mathews* factors supports Ms. Garro Pinchi's constitutional right to a hearing before a neutral decisionmaker prior to any future detention.

As explained above, Ms. Garro Pinchi has a substantial private interest in remaining out of custody. She has an interest in remaining in her home, continuing her employment, providing for her family, obtaining necessary medical care, maintaining her relationships in the community, and continuing to attend her church. *See Diaz v. Kaiser*, No. 3:25-CV-05071, 2025 WL 1676854 (N.D. Cal. June 14, 2025) (cleaned up) (holding that petitioner had a substantial private interest in remaining out of custody where it would enable to him to "work[], liv[e] at home, and be[] with family and friends to form the enduring attachments of normal life"); *Ortega*, 415 F. Supp. 3d 963 (holding that petitioner had a substantial liberty interest where he had been released from custody for 18 months and was living with his wife, spending time with his mother and other family members, working as a bicycle mechanic, and developing friendships in his community); *Morrissey*, 408 U.S. at 482.

The government contends that Ms. Garro Pinchi has "the same liberty interest as every other noncitizen in removal proceedings" under section 1226(a) and argues that such a liberty interest is insufficient to warrant a pre-detention hearing because *Rodriguez Diaz* held that the procedures provided under section 1226(a) are constitutionally adequate notwithstanding the

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*Lara v. Lyons*, 10 F.4th 19 (1st Cir. 2021); *Velasco Lopez v. Decker*, 978 F.3d 842 (2d Cir. 2020); and that the Ninth Circuit has regularly applied *Mathews* in due process challenges to removal proceedings, *see, e.g., Cruz Pleitez v. Barr*, 938 F.3d 1141, 1145–46 (9th Cir. 2019); *Flores-Chavez v. Ashcroft*, 362 F.3d 1150, 1160–61 (9th Cir. 2004); *Martinez-de Bojorquez v. Ashcroft*, 365 F.3d 800, 805 (9th Cir. 2004). *See also Doe v. Becerra*, 704 F. Supp. 3d 1006, 1016 (N.D. Cal. 2023) (discussing the applicability of *Mathews* to due process challenges to immigration detention), *abrogated on other grounds by Doe v. Garland*, 109 F.4th 1188 (9th Cir. 2024).

1 absence of any pre-detention hearing. But contrary to the government’s representations, the Ninth  
 2 Circuit did not hold in *Rodriguez Diaz* that noncitizens facing removal under section 1226(a) have  
 3 no due process right to a pre-detention hearing. It held only that a noncitizen detained under  
 4 section 1226(a) does not have a right to a *second* bond hearing when the only changed material  
 5 condition since their first bond hearing is the duration of their detention. Because the question  
 6 presented here was not presented in *Rodriguez Diaz*, the court had no opportunity to address it.

7 Even assuming *arguendo* that the post-detention bond hearing provided under section  
 8 1226(a) provides constitutionally sufficient process for those noncitizens who have never  
 9 previously been detained and released by DHS, Garro Pinchi’s circumstance is different. Her  
 10 release from ICE custody after her initial apprehension reflected a determination by the  
 11 government that she was neither a flight risk nor a danger to the community, and Ms. Garro Pinchi  
 12 has a strong interest in remaining at liberty unless she no longer meets those criteria. The  
 13 regulations authorizing ICE to release a noncitizen from custody require that the noncitizen  
 14 “demonstrate to the satisfaction of the officer that such release would not pose a danger to  
 15 property or persons” and that the noncitizen is “likely to appear for any future proceeding.” 8  
 16 C.F.R. § 1236.1(c)(8).<sup>3</sup> “Release [therefore] reflects a determination by the government that the  
 17 noncitizen is not a danger to the community or a flight risk.” *Saravia v. Sessions*, 280 F. Supp. 3d  
 18 1168, 1176 (N.D. Cal. 2017), *aff’d sub nom. Saravia for A.H. v. Sessions*, 905 F.3d 1137 (9th Cir.  
 19 2018). Ms. Garro Pinchi was apprehended by ICE officers when she crossed the border into the  
 20 United States on April 14, 2023. ICE then released her on her own recognizance. As ICE was not  
 21 authorized to release Ms. Garro Pinchi if she was a danger to the community or a flight risk, the  
 22 Court must infer from Ms. Garro Pinchi’s release that ICE determined she was neither.<sup>4</sup> Ms. Garro  
 23

24 <sup>3</sup> Ms. Garro Pinchi notes that the Form I-213 that the government submitted in the briefing on this  
 25 motion indicates that she was released “for humanitarian reasons,” which might suggest she was  
 26 released pursuant to 8 C.F.R. § 212.5(b). That regulation similarly provides that noncitizens may  
 be released only if they “present neither a security risk nor a risk of absconding.”

27 <sup>4</sup> The government insists that, prior to Ms. Garro Pinchi’s detention at the San Francisco  
 28 courthouse on July 3, 2025, she “had not previously been detained, had not been released, and was  
 not subject to any condition of release. She was encountered and then released without detention  
 by ICE.” This is a distinction without a difference. When she arrived in the United States, Ms.  
 Garro Pinchi was apprehended by ICE agents, taken into custody for a period lasting many hours,



Pinchi’s release from ICE custody constituted an “implied promise” that her liberty would not be revoked unless she “failed to live up to the conditions of her release.” *Morrissey*, 408 U.S. at 482. The regulatory framework makes clear that those conditions were that she remain neither a danger to the community nor a flight risk. Ms. Garro Pinchi justifiably relied on the government’s implied promise in obtaining employment, taking on financial responsibility for her family members, and developing community relationships. The more than two years that she has spent out of custody since ICE initially released her have only heightened her liberty interest in remaining out of detention.<sup>5</sup> Accordingly, Ms. Garro Pinchi’s private interest in retaining her liberty is significant.

Turning to the second *Mathews* factor, it is clear that there is a significant risk that the government will erroneously deprive Ms. Garro of that liberty interest if it does not provide her with a pre-detention hearing. Where, as here, “[the petitioner] has not received any bond or custody ... hearing,” “the risk of an erroneous deprivation [of liberty] is high” because neither the government nor Ms. Garro Pinchi has had an opportunity to determine whether there is any valid basis for her detention. *Singh v. Andrews*, No. 1:25-CV-00801, 2025 WL 1918679 (E.D. Cal. July 11, 2025) (cleaned up). Civil immigration detention is permissible only to prevent flight or protect against danger to the community, *see Zadvydas*, 533 U.S. at 690, but the government has offered no evidence—including in the proceedings before this Court—that her detention would serve either purpose. Indeed, the evidence before the Court suggests the government may have difficulty establishing such a basis. Ms. Garro Pinchi was detained after more than two years of attending

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and then released on her own recognizance. The government offers no explanation for why this period of detention should be considered something other than a restriction of her liberty and why the cessation of that detention should be considered something other than release.

<sup>5</sup> Although *Rodriguez Diaz* noted that the liberty interests of noncitizens may be limited in ways that those of citizens could not because of the government’s countervailing interest in immigration enforcement, it reaffirmed the longstanding principle that noncitizens have liberty interests protected by the Fifth Amendment. 53 F.4th at 1205–07. And it is clear that the liberty interests at stake here differ from those considered in *Rodriguez Diaz*. The petitioner in *Rodriguez Diaz* had been transferred directly into ICE custody after serving a term of imprisonment in state prison following a state felony conviction. While that petitioner retained a liberty interest in being released from detention, as the Ninth Circuit acknowledged, that interest was markedly different from the liberty interest possessed by an immigrant like Ms. Garro Pinchi whom ICE has permitted to develop an out-of-custody life in the United States over a period of more than two years.



1 every required immigration hearing and despite her deep community ties and lack of any criminal  
2 record. Under these circumstances, there is a significant risk that even the two-day curtailment of  
3 liberty that Ms. Garro Pinchi already suffered upon her re-detention by ICE was not justified by  
4 any valid interest. Providing her with the procedural safeguard of a pre-detention hearing will have  
5 significant value in helping ensure that any future detention has a lawful basis.

6 The government asserts that any infringement of Ms. Garro Pinchi's liberty interests can  
7 be adequately addressed if she requests a post-detention bond hearing after she has been re-  
8 detained under section 1226(a). While the government contends such a hearing would be provided  
9 in a timely fashion, there is significant reason to doubt its contention. The government is unable to  
10 provide *any* timeline for when such a hearing would take place. In addition, Ms. Garro Pinchi  
11 continues to face the threat that the government will place her in expedited removal proceedings,  
12 despite serious questions as to the lawfulness of such a decision, and that in those proceedings she  
13 will be provided very limited procedural protections or opportunities for judicial review. Further,  
14 DHS's policies regarding detention pending removal and the procedures it will afford noncitizens  
15 in such proceedings are in flux and uncertain. Given the inadequacy and unreliability of the  
16 government's proposed post-detention procedural safeguards, there is a substantial risk not only  
17 that the period between her arrest and any bond hearing will have served no valid government  
18 purpose but also that she will continue to be detained without a bond hearing in the absence of any  
19 valid purpose.

20 More fundamentally, there is no countervailing government interest—the third and final  
21 *Mathews* factor—that supports conducting a bond hearing only after Ms. Garro Pinchi has been  
22 detained, rather than in advance thereof. In the proceedings before this Court, the government has  
23 articulated no legitimate interest that would support arresting Ms. Garro Pinchi without a pre-  
24 detention hearing. Since DHS's initial determination more than two years ago that Ms. Garro  
25 Pinchi should be released on her own recognizance, she has continued to demonstrate that she  
26 poses neither a flight risk nor a danger to the community. She has diligently attended every  
27 required hearing in immigration court and has complied with every demand made of her by ICE.  
28 She has no criminal record and has become a deeply valued member of her community, attending

1 church weekly, making friends at her gym, and developing close relationships with coworkers at a  
 2 company where she was recently named employee of the month. *See Jorge M.F.*, 2021 WL  
 3 783561, at \*3 (cleaned up) (“Any potential government concern that delay in scheduling a hearing  
 4 could exacerbate flight risk or danger is unsubstantiated in light of Petitioner-Plaintiff’s strong  
 5 family ties and his continued employment as a driller, as well as his actions in posting a bond and  
 6 complying with the conditions of release.”). The government does not claim that any material  
 7 circumstances have changed that would warrant reassessment of Ms. Garro Pinchi’s risk of flight  
 8 or dangerousness, and it has articulated no other reason for her detention.

9 Instead, the government contends that Ms. Garro Pinchi should be detained solely so that  
 10 the propriety of her release pending the completion of removal proceedings can be evaluated in a  
 11 post-detention bond hearing. In the government’s view, this is the only existing means through  
 12 which ICE can make such a determination. But whether or not the government’s existing  
 13 regulations and practices provide for pre-detention bond hearings, due process requires the  
 14 government to identify some interest beyond its own administrative practices to justify depriving  
 15 an individual of her liberty without any pre-deprivation protections. Detention for its own sake, to  
 16 meet an administrative quota, or because the government has not yet established constitutionally  
 17 required pre-detention procedures is not a legitimate government interest.

18 Nor can the government suggest that the cost of providing such protections would be  
 19 fiscally or administratively onerous. If the government wishes to detain Ms. Garro Pinchi, it need  
 20 only provide a hearing before a neutral decisionmaker. “In immigration court, custody hearings  
 21 are routine and impose a minimal cost.” *Singh*, 2025 WL 1918679, at \*8 (cleaned up). Indeed, it is  
 22 likely that the cost to the government of detaining Ms. Garro Pinchi pending any bond hearing  
 23 would significantly exceed the cost of providing her with a pre-detention hearing.

24 In short, each of the *Mathews* factors favors Ms. Garro Pinchi. She has therefore shown a  
 25 likelihood of success on the merits of her claim that the Due Process Clause entitles her to a bond  
 26 hearing before an immigration judge prior to any re-arrest or detention.

## 27 **II. Irreparable harm**

28 Ms. Garro Pinchi is also likely to suffer immediate and irreparable harm in the absence of

1 preliminary injunctive relief. She faces the risk of immediate re-detention by ICE, likely in  
2 violation of her constitutional rights and with potentially devastating consequences for her  
3 economic livelihood, her family, and her health.

4 The likely unconstitutional deprivation of liberty that Ms. Garro Pinchi faces is an  
5 immediate and irreparable harm. “It is well established that the deprivation of constitutional rights  
6 ‘unquestionably constitutes irreparable injury.’” *Hernandez v. Sessions*, 872 F.3d 976, 994 (9th  
7 Cir.) (quoting *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012)). “When an alleged  
8 deprivation of a constitutional right is involved, most courts hold that no further showing of  
9 irreparable injury is necessary.” *Warsoldier v. Woodford*, 418 F.3d 989, 1001–02 (9th Cir. 2005)  
10 (cleaned up). Ms. Garro Pinchi is out of ICE custody only because of a court order, and the  
11 government has given no assurance that she will not face immediate re-detention in the absence of  
12 an injunction. “[I]t follows inexorably from our conclusion” that Ms. Garro Pinchi’s re-detention  
13 without a pre-detention hearing before a neutral decisionmaker is “likely unconstitutional,” that  
14 she has “carried [her] burden as to irreparable harm.” *Hernandez*, 872 F.3d at 995.

15 Further, Ms. Garro Pinchi is likely to suffer dire material consequences if re-detained. The  
16 Ninth Circuit has recognized the “irreparable harms imposed on anyone subject to immigration  
17 detention,” including “subpar medical and psychiatric care in ICE detention facilities, the  
18 economic burdens imposed on detainees and their families as a result of detention, and the  
19 collateral harms to children of detainees whose parents are detained.” *Id.* Ms. Garro Pinchi is the  
20 sole financial provider for her seven-year-old daughter, her mother, and other disabled relatives in  
21 Peru. Her mother has diabetes and depends on Ms. Garro Pinchi to afford insulin. Ms. Garro  
22 Pinchi’s detention would thus cause an immense burden on her family. Detention also poses a  
23 significant threat to Ms. Garro Pinchi’s health. She suffers from several serious medical conditions  
24 that would likely be exacerbated by detention. She requires regular medication to prevent the  
25 recurrence of a tumor, for which she recently underwent surgery, and to treat her anxiety disorder,  
26 clinical depression, and post-traumatic stress disorder. She also requires a strict dietary regimen to  
27 control a dangerous stomach bacterium. The likely consequences of Ms. Garro Pinchi’s  
28 detention—which would prevent her from providing for her family and sever her from existing

1 medical care—are grave and irreparable.

### 2 **III. Balance of equities and public interest**

3 The final two *Winter* factors, the balance of the equities and public interest, merge in light  
4 of the fact that the government is the opposing party. These factors also weigh heavily in favor of  
5 granting a preliminary injunction. “[T]he public has a strong interest in upholding procedural  
6 protections against unlawful detention, and the Ninth Circuit has recognized that the costs to the  
7 public of immigration detention are staggering.” *Jorge M. F.*, 2021 WL 783561, at \*3 (cleaned  
8 up); *see also Index Newspapers LLC v. U.S. Marshals Serv.*, 977 F.3d 817, 838 (9th Cir. 2020)  
9 (quoting *Padilla v. Immigration & Customs Enforcement*, 953 F.3d 1134, 1147–48 (9th Cir.  
10 2020)) (“It is always in the public interest to prevent the violation of a party’s constitutional  
11 rights.”); *Preminger v. Principi*, 422 F.3d 815, 826 (9th Cir. 2005) (“Generally, public interest  
12 concerns are implicated when a constitutional right has been violated, because all citizens have a  
13 stake in upholding the Constitution.”). As other courts in this district have concluded under similar  
14 circumstances, the potential harm to Ms. Garro Pinchi is significant—she faces immediate and  
15 potentially prolonged ICE detention, putting her family’s financial survival and her already  
16 precarious health at risk—while the potential harm to the government is minimal. The only  
17 potential injury the government faces is a short delay in detaining Ms. Garro Pinchi if it ultimately  
18 demonstrates to a neutral decisionmaker by clear and convincing evidence that her detention is  
19 necessary to prevent danger to the community or flight. *See Jorge M. F.*, 2021 WL 783561; *Diaz*,  
20 2025 WL 1676854. The government “cannot reasonably assert that it is harmed in any legally  
21 cognizable sense by being enjoined from constitutional violations.” *Zepeda v. U.S. Immigr. & Nat.*  
22 *Serv.*, 753 F.2d 719, 727 (9th Cir. 1983). “Faced with ... a conflict between minimally costly  
23 procedures and preventable human suffering, [the Court has] little difficulty concluding that the  
24 balance of hardships tips decidedly in plaintiffs’ favor.” *Singh*, 2025 WL 1918679, at \*9  
25 (quoting *Hernandez*, 872 F.3d at 996) (cleaned up).

### 26 **CONCLUSION**

27 For the foregoing reasons, the Court grants Ms. Garro Pinchi’s request for a preliminary  
28 injunction. The government may not re-detain Ms. Garro Pinchi during the pendency of these

proceedings without providing her with a pre-detention bond hearing before a neutral immigration judge. Ms. Garro Pinchi may not be detained unless the government demonstrates at such a bond hearing, by clear and convincing evidence, that she is a flight risk or a danger to the community and that no conditions other than her detention would be sufficient to prevent such harms.

**IT IS SO ORDERED.**

Dated: July 24, 2025

A handwritten signature in black ink, appearing to read "P. Casey Pitts", is written over a horizontal line.

P. Casey Pitts  
United States District Judge